

REMARKS

This Response A is submitted in response to an outstanding Office Action dated October 18, 2006. The shortened statutory period for response expired on January 18, 2007. Accordingly, the undersigned hereby petitions for a three-month extension of time and authorizes the Commissioner to charge any required fee to the Milbank Deposit account number 13-3250.

I. Status of the Claims

Claims 1-76 are pending in the application. Claims 1, 15, 48, and 70-76 are independent claims. Claims 1, 15, 48, and 70-76 are hereby amended. Applicant acknowledges the Examiner's citation of statutory authority as a basis for claim rejections.

II. Rejections under 35 U.S.C. § 101

The Examiner has rejected Claims 74 and 76 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner states that Claim 74 is directed toward a transmission medium and claim 76 is merely software that does not appear to be embodied on a computer readable medium and therefore the claims are considered non-statutory.

Applicant respectfully submits that the subject matter of claims 74 and 76 meet the requirements of 35 U.S.C. § 101.

With respect to claim 74, applicant submits that in software sale and distribution, software code may be distributed electronically, for example, over a network to a computer. In order to fully protect the various types of sales and distribution activities, applicants have crafted claims to specifically cover electronic transfer of infringing software code, by directing claim 74 to computer software code transmitted as an information signal. Applicant submits that

computer executable software code transmitted as an information signal, as claimed in claim 74, serves a useful purpose. Applicant submits that to be statutory, 35 U.S.C. § 101 requires nothing more. For this reason, applicant requests withdrawal of the rejection of claim 74.

Claim 76 has been amended and is now directed to a “programmed computer system including a program for generating rules executable in a target application in a target platform”, and tracks the preamble of claim 75, which was not rejected by the Examiner under 35 U.S.C. § 101.

III. Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1-17, 22-27, 30-32, 37-44, 47-49, 53-55, 58-59, 63-66, and 69-76 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,412,756 to Bauman et al. (“Bauman”).

Applicant respectfully traverses the rejection under § 102. Applicant respectfully asserts that Bauman does not show or suggest the step of “automatically creating target domain metarule validation logic based on the metarule and a target language of the target platform”, as recited in amended independent claim 1 of the present application. Applicant further asserts that Bauman does not show or suggest this step as recited in independent claims 15, 48, and 70-76, which have been similarly amended.

IV. Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 18-21, 28-29, 33-36, 45-46, 50-52, 56-57, 60-62, and 67-68 under 35 U.S.C. § 103(a) as being unpatentable over Bauman in view of the applicant’s choice of design of how or who inputs data and where it is exported or imported to or from.

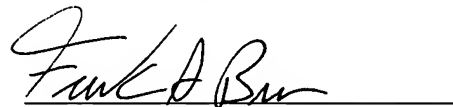
As discussed above, Applicant submits that because independent claims 1, 15, 48, and

70-76 are allowable over Bauman, dependent claims 18-21, 28-29, 33-36, 45-46, 50-52, 56-57, 60-62, and 67-68 are allowable over Bauman in view of applicant's choice of design and respectfully asks the Examiner to withdraw the rejection.

Request for Reconsideration

Applicant respectfully submits that the claims of this application are in condition for allowance. Accordingly, reconsideration of the rejection and allowance is requested. If a conference would assist in placing this application in better condition for allowance, the undersigned asks that the Examiner please call the undersigned at the number indicated below.

Respectfully submitted,
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